

S.B.Cr.Misc. II Bail App. No. 66/2007
IN
S.B.CRIMINAL JAIL APPEAL NO. 538/05
(Sunil Kumar Vs. State of Rajasthan)

Date of order : 10/07/2007

HON'BLE MR.H.R.PANWAR, J.

Mr. Kalu Ram Bhati, Amicus Curiae for the applicant-appellant.
Mr. Ashok Upadhyay, Public Prosecutor.

Heard learned Amicus Curiae for the applicant-appellant and public prosecutor for the State on the application for suspension of sentence. Perused the judgment and order impugned as also record of the trial court.

It is contended by learned counsel for the applicant that the applicant is in custody for over three years out of the sentence awarded by the trial court. The applicant has been convicted for the offences under Sections 363 and 376/511 IPC and he has undergone the sentence of more than three years and the appeal is not likely to come up for hearing in near future.

Having considered the totality of facts and circumstances of the case and the fact that the petitioner has already suffered the imprisonment of more than three years and the appeal is not likely to come up for hearing in near future, I think it just and proper to suspend the substantive sentence of imprisonment awarded to the accused appellant-applicant.

Accordingly, the bail application filed under Sec. 389 Cr.P.C. is allowed and it is ordered that the substantive sentence

of imprisonment passed by the learned Additional Sessions Judge, Women Atrocities Cases, Bhilwara vide judgment dt. 2.5.2005 in sessions case No. 45/2004 against applicant -appellant Sunil Kumar S/o Shri Pura shall remain suspended till final disposal of the aforesaid appeal provided he executes a personal bond in the sum of Rs. 20,000/- with two sureties of Rs.10000/- each to the satisfaction of the learned trial Judge for his appearance before this court on 10/8/2007 and whenever ordered to do so with the incorporation in the bond that as and when he will shift his place of residence, he will intimate to this Court and his lawyer about his new place of residence.

(H.R.PANWAR),J.

RP